



U.S. Department of Justice

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August 30, 2023

Honorable George Levi Russell, III
United States District Judge
District of Maryland
101 W. Lombard St.
Baltimore, MD 21201

Re: *United States v. Adam Michael Nettina*
Criminal No. GLR-23-134

Dear Judge Russell:

Per the court's instruction, this letter serves to memorialize the discussion the parties had at today's plea hearing regarding the new sentencing guideline set to take effect November 1, 2023. Part B, Subpart 1 of Amendment 821 creates a new Chapter Four guideline at U.S.S.G. § 4C1.1, which will decrease by two the offense levels for defendants with no criminal history points and whose instant offense does not involve specific aggravating factors.

Defense counsel intends to argue at the sentencing hearing that this new guideline applies to the defendant and that it applies retroactively, or that, if it does not apply retroactively, a variance is warranted. The government reserves the right to argue at sentencing that this guideline does not apply or that a variance is not warranted. The government will not, however, object on the basis that this new guideline was not addressed in the plea agreement. *Cf.* ECF 29, Plea Agreement at p. 6 para. 10 ("Other than as set forth above, no other offense characteristics, sentencing guidelines factors, potential departures or adjustments set forth in the United States Sentencing Guidelines are in dispute or will be raised in calculating the advisory guidelines range.").

Very truly yours,

Erek L. Barron
United States Attorney

A handwritten signature in blue ink that reads "Paul E. Budlow".

Paul E. Budlow
Assistant United States Attorney

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Tara Allison
Trial Attorney
Civil Rights Division

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Joseph Murtha
Counsel for Defendant